

## Section 3.2 Urban Zone

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Urban areas function as the Southland District's main centres of population, culture and socio-economic activity. Integrated, sustainable and well planned urban areas enhance people and communities' quality of life by creating and maintaining safe, healthy and pleasant environments with appropriate access to services, infrastructure, transport and facilities. Sporadic and uncoordinated subdivision, land use and development can result in ad-hoc urban growth and the inefficient use of natural and physical resources and can give rise to adverse environmental effects.

The District's urban areas, defined as the Urban Zone, encompass the principal towns of Winton, Te Anau and Riverton/Aparima and the smaller townships of Balfour, Browns, Colac Bay/Oraka, Edendale, Lumsden, Manapouri, Mossburn, Nightcaps, Ohai, Otautau, Riversdale, Oban, Tokanui, Tuatapere, Waikaia, Wallacetown and Wyndham. The District's Urban Zones are recognised as predominantly residential areas, but provide for a range of activities. The form, function, character and amenity of the District's Urban Zones varies. Urban development pressures within the Urban Zone also vary with some townships experiencing steady growth, while others are static or in decline.

Commercial Precincts are identified as an overlay of the Urban Zone in the District Plan. Commercial Precincts are defined within the Urban Zone in Te Anau, Winton, Riverton/Aparima, Otautau, Edendale, Lumsden, Tuatapere, Riversdale and Wyndham as key locations within which Council seeks to encourage commercial activity. Commercial Precincts enable the co-location of commercial activities, which can enhance the function, integrity, convenience and viability of the commercial centres of these townships. Commercial Precincts can also reduce the likelihood of land use conflict with non-commercial land uses. Industrial Zones are also defined throughout the District and are covered in a separate chapter of the District Plan.

The Te Anau Residential B Zone was created through a private plan change and has specific zone provisions that provide for urban development on properties to which it relates.

### Objective URB.1

Subdivision, land use and development in the Urban Zone shall maintain or enhance residential amenity.

### Objective URB.2

Where they are defined, Commercial Precincts shall accommodate the principal retail and service functions of the Urban Zone.

### Policy URB.1

Subdivision, land use and development in the Urban Zone shall:

1. Reflect the needs of the community.
2. Integrate with existing land use activities and infrastructure.
3. Create desirable places to live and vibrant and functional Commercial Precincts.
4. Achieve compact urban form; whilst avoiding, remedying or mitigating adverse effects on the environment.

**Explanation:** Well planned urban areas can provide for sustainable growth and development which reflect the needs of local communities. Council has identified areas suitable for subdivision, land use and development to provide for urban growth by defining an Urban Zone. Urban growth, including

intensification and redevelopment, within the Urban Zone can promote coordinated, integrated and compact urban form. This can optimise the efficient use of and accessibility to, infrastructure whilst discouraging urban sprawl and ribbon development outside of the Urban Zone.

### **Policy URB.2**

Encourage the implementation of best practice urban design principles.

**Explanation:** Urban design is a key tool in achieving good quality outcomes in the built environment. Appropriate implementation of urban design principles will enhance identity and amenity values, promote diversity, choice, innovation and sustainability and ensure vibrant and cohesive urban areas. It can also support public health and wellbeing, including through the implementation of Crime Prevention through Environmental Design measures.

### **Policy URB.3**

Manage subdivision, land use and development in a manner that maintains or enhances the amenity values of residential areas within the Urban Zone.

**Explanation:** Subdivision, land use and development within the Urban Zone should be sympathetic to amenity values and the character of residential areas and enhance this where possible. Outside of the Commercial Precincts the amenity and character of the Urban Zone is influenced predominantly by residential activity reflected in greater yard setbacks, landscaped residential sections, off street carparking, low ambient noise levels, lower levels of signage and lower building heights. Limited levels of commercial activity including home occupations and local service activities such as hairdressers and dairies are located throughout the Urban Zone. These types of commercial activities are generally consistent with the amenity of residential areas.

### **Policy URB.4**

Give priority to Commercial Precincts as the principal areas for commercial activities.

**Explanation:** The commercial centres of the principal urban areas, Te Anau, Winton, Riverton/Aparima and townships of Otautau, Edendale, Lumsden, Tuatapere, Riversdale and Wyndham are a focus for commercial activities and also support community, educational and entertainment activities. The co-location of commercial activities within Commercial Precincts can reduce the likelihood of land use conflicts and can maintain and enhance the function, integrity, convenience and viability of the commercial centres of these urban areas.

### **Policy URB.5**

Avoid, remedy or mitigate reverse sensitivity effects.

**Explanation:** The Urban Zone provides for a range of land use activities, however, there is potential for conflict where neighbouring or nearby land uses are not compatible. Subdivision, land use and development should integrate with existing land use activities that adjoin or are in close proximity to the site. Adverse effects on residential amenity should be appropriately managed. Particular consideration should be given to those residential activities to be located on the perimeter of the Commercial Precinct, the interface between the Urban Zone and Rural or Industrial Zones or adjacent to the roading and rail networks, transmission or other forms of infrastructure.

## **Policy URB.6**

Avoid, remedy or mitigate the adverse effects of earthworks.

**Explanation:** Earthworks can give rise to a range of adverse effects on the environment, including effects on slope and soil stability, biological diversity, visual amenity, historic heritage (including archaeological sites), changes to stormwater flows and water quality. Earthworks should be managed through the implementation of a robust methodology and works supervision procedures to avoid adverse effects. Particular attention should be given to appropriate site remediation.

## **Policy URB.7**

Avoid, remedy or mitigate reverse sensitivity effects on transmission lines.

**Explanation:** Transmission corridors have been established to provide for minimum corridors able to address safety, operation and maintenance of the transmission lines within them. This will enable Council to prevent sensitive activities, or the expansion of existing sensitive activities, from locating within a transmission corridor where they would affect or be affected by the transmission line.

## **Policy URB.8**

Manage subdivision, land use and development in a manner that maintains or enhances the dark quality of the Stewart Island / Rakiura night sky (excludes offshore islands)

**Explanation:** The Stewart Island / Rakiura night sky is considered to be of an exceptional dark quality and this is formally recognised via the Island's Dark Sky Sanctuary accreditation status. It is considered that any subdivision, land use and development has the ability to erode this unique quality if not carefully managed through the application of appropriate lighting design. In this instance the offshore islands for example the Titi / Muttonbird Islands, Ruapuke Island and Whenuahou / Codfish Island are excluded because it is considered the majority of development that is likely to adversely affect the night sky will occur on the mainland of Stewart Island / Rakiura.

## **Urban Zone Rules**

**Note:** District-wide rules.

The following district-wide sections of the District Plan may apply in addition to any relevant Urban Zone Rules to activities undertaken in the Urban Zone. If one or more of the district-wide rules is breached, the activity will require consent in respect of those rules:

- Biodiversity - Section 2.2
- Historic Heritage - Section 2.5
- Subdivision - Section 2.6
- Waste, Hazardous Substances and Contaminated Land - Section 2.8
- Energy, Minerals and Infrastructure - Section 2.9
- Noise - Section 2.11
- Signage - Section 2.12
- Water and Surface Water Activities - Section 2.13
- Financial Contributions - Section 2.14.

## Rule URB.1 - Permitted Activities

The following activities are **Permitted Activities** within the Urban Zone:

1. **Residential Activities** (not located within the Commercial Precinct) that comply in all aspects with the General Urban Standards for the Urban Zone.
2. **Visitor Accommodation** (involving five or less paying guests).
3. **Commercial, Community, Educational, Rural Service, Entertainment Activities, Service Stations and Visitor Accommodation** (involving six or more paying guests), located within the Commercial Precinct that comply in all aspects with the General Urban Standards.
4. **Temporary Events** provided that:
  - (a) The temporary event does not exceed six days in any calendar year.
  - (b) The temporary event shall not operate outside of the hours of:
    - 7.30 am - 10.00 pm, Monday to Saturday;
    - 7.30 am - 6.00 pm, Sundays and public holidays.
  - (c) Any structures associated with an event shall be erected:
    - (i) no more than two days before the event occurs;
    - (ii) removed no more than three days after the end of the event.
  - (d) The site on which the temporary event occurs shall be returned to its original condition no more than three days after the end of the event.
  - (e) There shall be no direct access to sites of temporary events from a State Highway or Regional Arterial Road.
  - (f) Noise generated by the temporary event does not exceed the maximum noise standards for the Urban Zone (refer to Section - 2.11 Noise).
  - (g) Adequate provision is made for waste collection and disposal including the provision of toilet facilities.
5. **Home Occupations** provided that:
  - (a) A maximum of 30 m<sup>2</sup> of the gross floor area of the residential or accessory buildings on the property is used for the operation of the home occupation.
  - (b) No more than 10 m<sup>2</sup> of the property shall be used as an outdoor display area for the operation of the home occupation and associated storage of goods, materials or equipment at any one time.
  - (c) The home occupation is not operated outside of the hours of:
    - 7.30 am - 9.00 pm, Monday to Saturday; and
    - 7.30 am - 6.00 pm, Sundays and public holidays.
6. **Activities on Council Reserves** provided that:

Any activity specifically complies with an approved management plan.

**Note:** Any activity on a reserve will still require authority from the administering body responsible for managing the reserve. This rule overrides specific Zone and Overlay requirements and all general standards.
7. Intermittent aircraft departures and landings that do not meet the definition of an airport under the Resource Management Act.
8. **Earthworks within a National Grid Yard:**
  - (a) Earthworks within 2.2 metres of a National Grid pole support structure or stay wire shall not be greater than 300 mm in depth.
  - (b) Earthworks between 2.2 metres and 5 metres of a National Grid pole support structure or stay wire shall not be greater than 750 mm in depth.

- (c) Earthworks within 12 metres of the outer edge of the visible foundation of a National Grid tower support structure shall not be greater than 300 mm in depth.
- (d) Earthworks shall not compromise National Grid support structure stability.
- (e) Earthworks shall not result in a reduction of the existing conductor clearance distance above the ground as required in NZECP34.

Provided that the following activities are exempt from (a) and (b) above:

- (i) earthworks undertaken by a Network Utility Operator; or
- (ii) earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath or driveway.

#### 9. **Activities within a National Grid Yard**

Within any part of a Transmission Yard the following are permitted:

- (a) Buildings less than 2.5 metres high and 10 m<sup>2</sup> in area.
- (b) Alterations and additions to existing buildings that do not involve an increase in floor space.
- (c) Mobile machinery and equipment.
- (d) Network utilities and energy facilities.
- (e) Any fence up to 2.5 metres high.
- (f) Recreational activities.

### Rule URB.2 - Restricted Discretionary Activities

The following activities are **Restricted Discretionary Activities**:

1. Any Permitted Activity which fails to comply with no more than one General Urban Standard, or no more than one condition of the permitted activity rule and is not within the National Grid Yard.

The matters to which Council has restricted its discretion are:

1. The effects of non-compliance with that General Urban Standard.
2. **Residential Activities** within the Commercial Precinct that comply in all aspects with the General Urban Standards.

The matters to which Council has restricted its discretion are:

1. Whether appropriate residential amenity standards will be provided.
2. Matters contained in any relevant design guidelines.
3. The ability of vehicles to safely access and exit the site.
4. Whether there is adequate infrastructure capacity to meet the needs of the proposed activity.
5. Potential for reverse sensitivity issues and the extent to which the residential activity has provided for appropriate noise mitigation.

### Rule URB.3 - Discretionary Activities

The following activities are **Discretionary Activities**:

1. Any activity that cannot be undertaken as a Permitted, Restricted Discretionary or Non-Complying Activity and is not listed as a Prohibited Activity is a Discretionary Activity.

### Rule URB.4 - Non-Complying Activities

The following activities are **Non-Complying Activities**:

1. Industrial Activities.
2. Offensive Trades.
3. Any activity that fails to comply with any of the performance conditions in relation to:
  - (a) Rule URB.1(8) - Earthworks within a National Grid Yard.

- (b) Rule URB.1(9) - Activities within a National Grid Yard.
4. Within a National Grid Yard:
- Any building or addition to a building for a sensitive activity.
  - A change of use to a sensitive activity or the establishment of a new sensitive activity.
  - Any building or structure (except fences) located less than 12 metres from the outer edge of a transmission line support structure.
  - Any building or structure over 1.5 metres high unless it is demonstrated that safe separation distances under NZECP34 are maintained under all transmission line operating conditions.
  - Any earthworks that cannot comply with Rule URB.1.8.
  - Any building or structure that is not a permitted activity in Rule URB.1, or discretionary in Rule URB.3.

## Rule URB.5 - General Urban Standards

All activities within the Urban Zone shall comply with the following General Urban Standards:

### 1. Earthworks

These standards do not apply to activities permitted under Rule INF.1 - Permitted Activities or to the removal and replacement of underground petroleum storage tanks.

- Earthworks shall not be undertaken:
  - on slopes of more than 12°;
  - within 20 metres of a water body, including wetlands and coastal water, except domestic gardening;
  - within 20 metres of any natural hazard protection work;
  - in a manner that exacerbates any natural hazards.
- No earthworks shall involve the disturbance of more than 200 m<sup>3</sup> (volume) of land and/or alter the existing ground level by more than 1 metre, measured vertically.
- Earthworks shall not affect any archaeological site identified on the District Plan maps, except where an Archaeological Authority has been granted by Heritage New Zealand pursuant to the Heritage New Zealand Pouhere Taonga Act 2014 or confirmation is provided that no archaeological authority is required.

### 2. Minimum Yard Requirements

Side, front and rear yards shall be provided in accordance with Table URB.5.2.

Table 6 URB.5.2 - Yards

Area	Minimum Front Yard (metres)	Minimum Side and Rear Yard (metres)
Urban Zone (excluding Stewart Island/Rakiura and the Commercial Precinct)	4.5	1
Stewart Island/Rakiura Urban Zone	4.5	3
Commercial Precinct where the relevant boundary adjoins that part of the Urban Zone outside of the Commercial Precinct without the intervention of a road	4.5	4.5
Commercial Precinct where the relevant boundary either: <ul style="list-style-type: none"> <li>does not adjoin that part of the Urban Zone outside of the Commercial Precinct; or</li> <li>adjoins a road</li> </ul>	0	0

3. **Fencing**

Any boundary fence shall not exceed a height of 2 meters.

4. **Maximum Height**

(a) Building and structures shall not exceed the maximum heights specified in Table IRB.5.4.

*Table 7 URB.5.4 - Height*

Area	Maximum Height - All buildings (excluding Accessory Buildings) (metres)	Maximum Height - Accessory Buildings (metres)
Urban Zone (excluding Stewart Island/Rakiura and the Commercial Precinct)	9	4.5
Stewart Island/Rakiura Urban Zone	7.5	4.5
Commercial Precinct where the site adjoins or faces the Urban Zone	9	9
Commercial Precinct where the site does not adjoin or face the Urban Zone	12	12

(b) All structures shall comply with Rule URB.5.5 - Height in Relation to Boundaries, except in the Commercial Precinct where the height in relation to boundaries does not apply to the common boundary between to commercial sites or the front boundary.

(c) In determining height, the rolling height method shall be used (see definition of Height and the Rolling Height Method).

5. **Height in Relation to Boundaries**

(a) The following standard does not apply to the common boundary between two commercial sites or the front boundary within the Commercial Precinct.

(b) The maximum height of any structure shall be determined by a recession plane which commences at 2 metres above the line of each boundary and then slopes at an upward angle as determined by the Height Recession Diagram below, up to the maximum height specified in Table URB.5.4, except that:

(i) a minor breach of the recession plane is permitted provided the parts of the structure that protrude through the recession plane do not exceed 1.5 metres in height and a total area of 6 m<sup>2</sup> on each elevation. The area and height of the breach shall be measured as outlined in the diagram below and include solar heating devices that breach the recession plane;

(ii) no account shall be taken of those items outlined in Clause 2 of the height definition.

(c) In determining height, the rolling height method shall be used (see definition of Height).

Figure 6 Recession Allowances

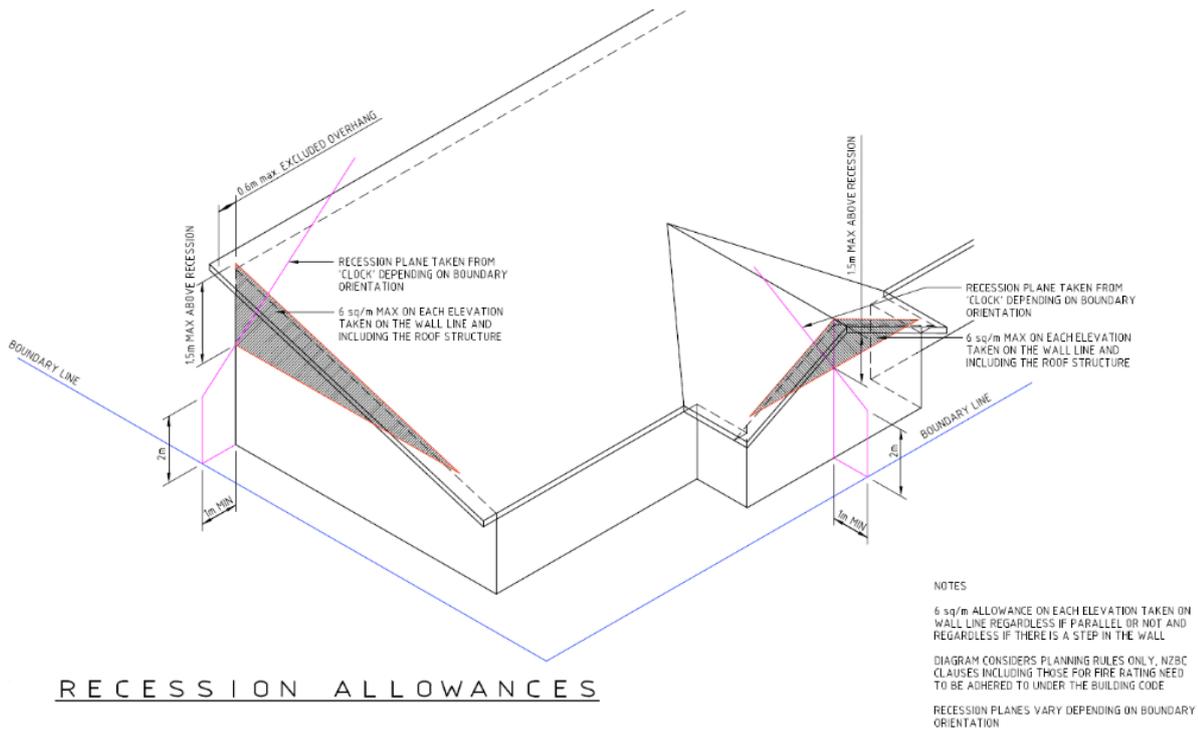


Figure 7 Height Recession Diagram

With both the site plan and the clock diagram below pointing north, place the edge of the clock on the inside of the site boundary. Where the 'clock' touches the boundary indicates the recession angle for that boundary. An example has been provided to assist with the interpretation of the rule.

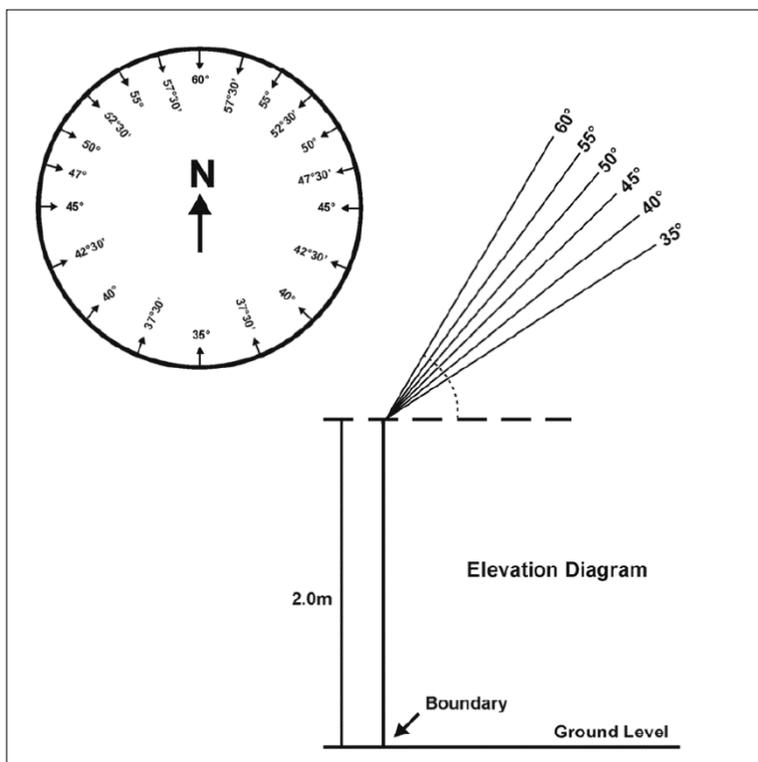
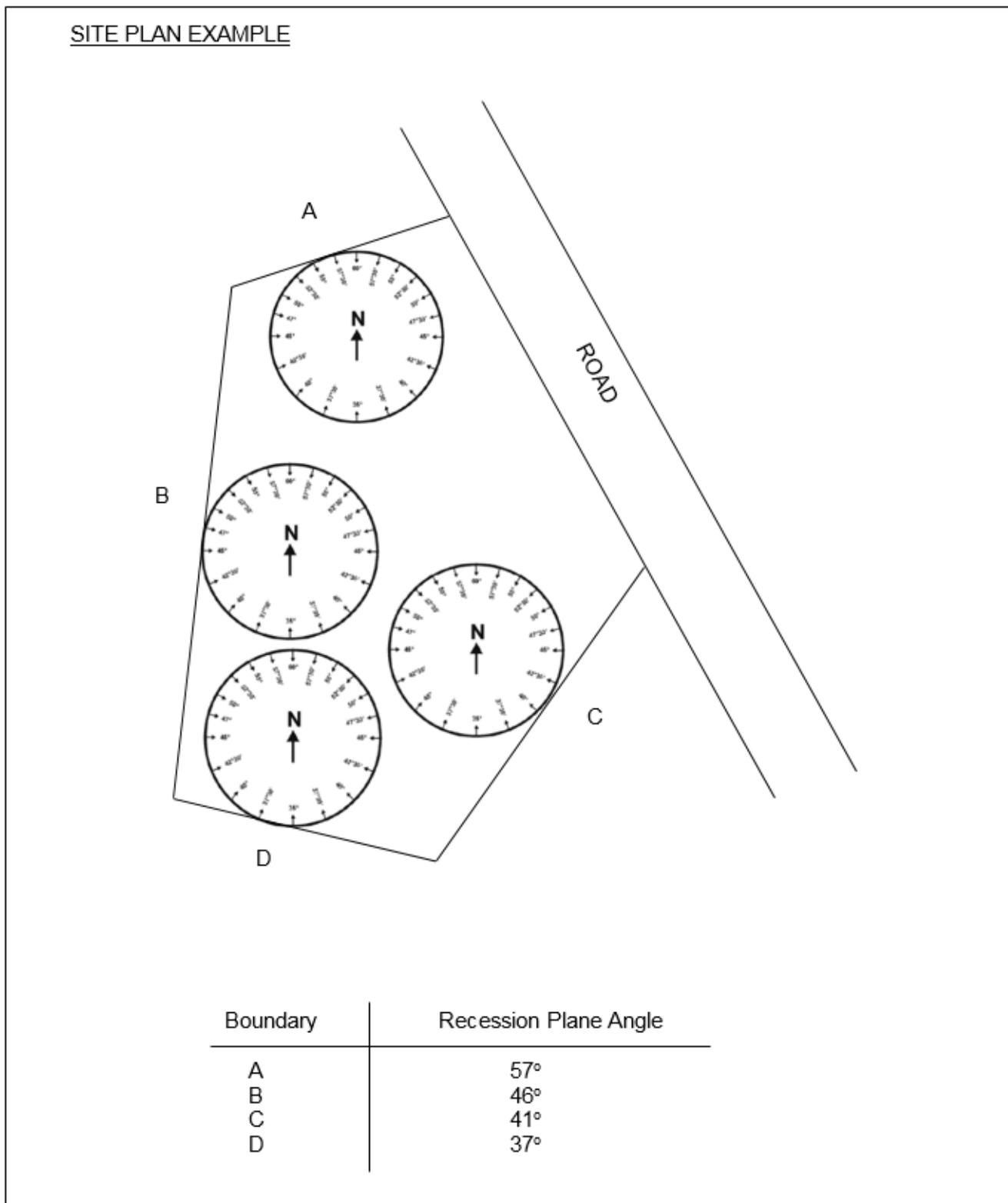


Figure 8 Site Plan Example



**6. Outdoor Living Spaces**

- (a) Outdoor Living Spaces in the Urban Zone shall be provided in accordance with Table URB.5.6 - Outdoor Living Space:

Table 8 URB.5.6 - Outdoor Living Space

Type of residential activity	Minimum area	Minimum dimension	Accessory Buildings allowed in outdoor living space	Maximum area of Accessory Buildings in outdoor living space	Area of permeable surface required
Detached Dwellings (not part of multi-unit development or in Commercial Precinct)	100 m <sup>2</sup>	5 metres x 10 metres or a circle 8m in diameter	One	10 m <sup>2</sup>	Not less than 60%
Residential Activities within the Commercial Precinct - ground floor, and Multi-unit developments	50 m <sup>2</sup> Must be for the exclusive use of each unit	5 metres x 5 metres  Measured at right angles to the exterior wall of the living room	One	10 m <sup>2</sup>	Not less than 60%
Elderly person and Kaumatua housing units	33 m <sup>2</sup>	Minimum width of 5.5 metres and must adjoin living room and must be located to the north, east or west of the dwelling unit it serves, must be for the exclusive use of each unit	None	0	None

- (b) Outdoor living spaces shall be free of driveways, parking spaces and garages.
- (c) For multi-unit developments and residential activities within the commercial precinct with units above-ground level, the outdoor living space provided at ground level may be reduced to 30 m<sup>2</sup> provided it is supplemented by a balcony which adjoins and is accessible to the living room of each unit above-ground floor level. This balcony shall have a minimum area of 8 m<sup>2</sup> and a minimum width of 2 metres.
- (d) For multi-unit developments and elderly and Kaumatua housing units no dwelling unit shall be sited or designed so that the main glazing of the living areas of one dwelling unit face the main glazing of the living area of another dwelling unit unless appropriate screening is provided at not less than 3 metres from each opposing unit.

#### 7. Outdoor Storage

Any area used for storage purposes in connection with Commercial, Community, Educational and Entertainment Activities that is not totally enclosed by a covered building shall be screened from

public spaces and from residential activities and shall not exceed 50 m<sup>2</sup> in area, on any one property.

8. **(1) Lighting and Glare (with the exception of Stewart Island / Rakiura)**

- (a) The spill of light from artificial lighting (excluding street lights and traffic signals) on to any other site (except as provided for by (b) below) shall not exceed 8 lux (horizontal and vertical) when measured at or within the boundary of any other site.
- (b) The spill of light from artificial lighting (excluding street lights and traffic signals) on to any other site within the commercial precinct shall not exceed 12 lux (horizontal and vertical) when measured at or within the boundary of that site.
- (c) All outdoor lighting shall be directed away from adjoining properties.

**(2) Lighting and Glare within the Stewart Island / Rakiura Urban Zone**

- (a) The spill of light from artificial lighting (excluding street lights and traffic signals) on to any other site (except as provided for by (b) below) shall not exceed 3 lux (horizontal and vertical) when measured at or within the boundary of any other site.
- (b) All outdoor lighting shall be directed away from adjoining properties.
- (c) All fixtures shall be fully shielded with no lightspill being permitted above the horizontal plane.
- (d) Artificial lighting colour is to be ‘warm white’ (being equal to or less than 3000K correlated colour temperature only).

Note: for clarification, outdoor garden solar lights are exempt from this rule.

9. **Hours of Operation**

Hours of operation shall be limited as follows:

*Table 9 URB.5.9 - Hours of Operation*

Activity	Hours of Operation
Commercial, Community, Educational, Rural Service and Entertainment Activities within the Commercial Precinct	Every day: 7.00 am - 1.00 am

10. **Verandah Requirement Area - Commercial Precincts**

- (a) All new buildings that adjoin one or more buildings with a verandah, within the Verandah Requirement Area shown on the District Plan Maps shall have verandahs designed and constructed to:
  - (i) cover the width of the footpath in front of the site and extending along the full frontage width of the site;
  - (ii) achieve continuity with adjoining verandahs;
  - (iii) be a minimum of 2.4 metres clear of the footpath;
  - (iv) be self-supporting.
- (b) All existing buildings with verandahs, that adjoin one or more buildings with a verandah, within the Verandah Requirement Area shown on the District Plan Maps shall have verandahs designed and constructed to either replace like with like, or meet the criteria outlined in (i) to (iv) above.

## 11. Noise

Except as provided in Rule NSE.3 and Rule NSE.4 to Rule NSE.11, noise from all activities shall not exceed the following limits:

*Table 10 Noise from all activities shall not exceed the following limits*

	Day time (7.00 am - 10.00 pm inclusive)		Night time (All other times)	
	LAeq (15 min)	LAF,max	LAeq (15 min)	LAF,max
<b>When measured at the boundary of any property zoned:</b>				
Urban Zone	50 dB	75 dB	40 dB	70 dB
Urban Zone - Commercial Precinct	55 dB	80 dB	45 dB	70 dB

Note: The day time noise limits are intended to provide amenity for outdoor activities. Night time noise limits are intended to allow for sleep amenity.

Where an activity shares a boundary with another Zone the activity must comply with the more restrictive noise limit.

## 12. Signage

Compliance with the relevant signage standards as set out in Section 2.12 Signage.

## 13. Transportation Standards including Access

All activities shall comply in all aspects with the provisions set out in the Southland District Council Subdivision, Land Use and Development Bylaw 2012 - relating to carparking numbers, dimensions, access, loading and manoeuvring.

## 14. National Grid Lines and Support Structures

### (a) Setback from National Grid Support Structures

No building or structure shall be located within 12 metres (in any direction) of the visible outer edge of a National Grid support structure, with the following exceptions:

- (i) fencing up to 2.5 metres in height that is at least 5 metres from the outer edge of any support structure;
- (ii) network utilities within a transport corridor or any part of electricity infrastructure that connects to the National Grid.

### (b) Setbacks from National Grid Lines

No building or structure shall be erected within 12 metres from the centre line and 12 metres from the outer edge of the support structure of a high voltage transmission line that is part of the transmission network and is designed to operate at or over 110 kV provided that this rule does not apply to:

- (i) ancillary buildings and structures associated with residential activities that are less than 10 m<sup>2</sup> in area and under 2.5 metres in height can be located within the above setback distances, provided they are at least 12 metres from the visible outer edge of any support structure and are not used for habitation;
- (ii) fencing of up to 2.5 metres in height that is at least 5 metres from the visible outer edge of any support structure;
- (iii) alterations to existing buildings that do not increase the building envelope or footprint provided that they are at least 12 metres from the visible outer edge of any support structure;

- (iv) network utilities within a transport corridor or any part of electricity infrastructure that connects to the National Grid.
- (c) Sensitive activities shall be at least 12 metres from a National Grid tower, pole or centreline of a National Grid line shown on the Planning Maps as a High Voltage Line.

**15. Activities near transport corridors**

Any new or relocated dwelling, located within:

- (a) 40 metres of the closest railway track;
- (b) Where there is no track in place, 35 metres from the nearest boundary of the railway designation;
- (c) 80 metres of the seal edge of a State Highway that has a speed limit of 70 km/hr and greater or 40 metres of the seal edge of a State Highway that has a speed limit of less than 70 km/hr;

shall be designed, sited and constructed to ensure that the internal noise levels for dwellings do not exceed 35 dB LAeq(1 hr) inside bedrooms or 40 dB LAeq(1 hr) inside other habitable spaces.

**Rule URB.6 - Prohibited Activities**

Buildings in the Lakeside Protection Area over 12 metres in height are Prohibited Activities.

**Urban Zone Non-Regulatory Methods**

**Method URB.1**

Education through the distribution of information regarding urban design and integrated urban growth and development.

